

REMARKS

The examiner has withdrawn the previously indicated allowability of claims 1-20 and has vacated the Notice of Allowance of 12/12/2005.

The examiner states that the amendment to the specification at column 4, in the paragraph starting at line 44, changing the text from “. . . approximately 22° (specifically 22.21°)” to – approximately 30° -- is considered to be new matter on the basis of a lack of proper “incorporation by reference” in the application that matured into U.S. patent No. 6,112,767 (the '767 Patent).

In support of applicant's traversal of the rejection of claims 1-20, applicants submits herewith a copy of the UTILITY PATENT APPLICATION TRANSMITTAL (Form PTO/SB05) that was submitted in connection with the application serial No. 09/311,520 that matured into the '767 Patent. (See Attachment) This copy of the transmittal form was downloaded from the Image File Wrapper of the '767 Patent available on the www.uspto.gov. In the transmittal form, Applicant properly checked off boxes 4b and 5. At the time of the filing of the application serial No. 09/311,520, an Applicant was able to incorporate by reference the entire disclosure of the parent application when filing a continuation application.

Therefore, Applicant believes that there was a proper incorporation by reference and the above-referenced amendment to the specification was proper and did not add new matter.

Withdrawal of the rejection, reconsideration and allowance of claims 1-20 are kindly requested.

Respectfully submitted,

Date: October 12, 2007

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Attachment

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ATTACHMENT

05/13/99



Jc662 U.S. PTO

Please type a plus sign (+) inside this box → ☒PTO/SB/05 (12/87)
Approved for use through 09/30/00. OMB 0851-0032
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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

Pinkham-1

Total Pages

2

First Named Inventor or Application Identifier

Louis Pinkham

Express Mail Label No.

EJ703837843US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages 14]
(preferred arrangement set forth below)
- Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) [Total Sheets 5]
4. Oath or Declaration [Total Pages]
- a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)
[Note Box 5 below]
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting
inventor(s) named in the prior application,
see 37 CFR 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a
copy of the oath or declaration is supplied under Box 4b,
is considered as being part of the disclosure of the
accompanying application and is hereby incorporated by
reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☐ Computer Readable Copy
 - b. ☐ Paper Copy (identical to computer copy)
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. ☐ Small Entity ☐ Statement filed in prior application,
Statement(s) Status still proper and desired
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Other: ..Express Mail.....

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☒ Continuation☐ Divisional☐ Continuation-in-part (CIP)

of prior application No: 08 / 715286

18. CORRESPONDENCE ADDRESS☐ Customer Number or Bar Code Labelor ☒ Correspondence address below

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